IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 18360 of 2004

Between:

Paluri Nageswararao, s/o Venkata Swamy,
Chilakalapadu Madiki Gram Panchayat, Alamuru Mandal,

E.G.District.

... PETITIONER

AND

Gram Panchayat, Madiki, Alamuru Mandal, E.G.Dist., rep.,

by its Secretary

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in nature of writ of mandamus declaring the action of the respondent in not handing over the coconut trees situated on the Northern Side situated at Pallapu polam punta of Madiki Village, East Godavari District as per the auction held in favour of the petitioner, on 12-07-2004, other than the trees allotted to the patta holders as illegal, arbitrary and violative of fundamental rights guaranteed under Constitution of India and also contrary to the terms of the auction and consequently direct the respondent to handover the trees on Northern side along with adjacent coconut trees and remove the huts and grass heaps coming in the way of the petitioner to look after the trees allotted to him.

Counsel for the Petitioner: MR.T.V.S.PRABHAKARA RAO

Counsel for the Respondent: MR.SRINIVAS DAMMALAPATI

The Court made the following:

ORDER:

Petitioner, who claims to be a purchaser in the auction, which was conducted by the Gram Panchayat in his favour on 12-07-2004, filed the present writ petition alleging that he deposited auction amount, but the respondent Gram Panchayat has not handed over the Coconut trees situated on the auction site as per the auction.

2. If that were the case, petitioner can approach the District Panchayat Officer or the District Collector, as the case may be, to redress his grievance and proceed against the Gram Panchayat for loss, if any, sustained by him in the said process.

The writ petition is disposed of accordingly. No costs.

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A. **GOPAL REDDY, J**

October 8, 2004

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1. The Secretary, Gram Panchayat, Madiki, Alamuru Mandal, E.G.Dist.

2. Two C.D. Copies.